REMARKS

Claims 1-41 are currently pending in the application. Claims 1-41 were rejected. Claims 1, 23, 36, and 39 have been amended.

The Examiner reiterated the rejection of claims 1-13, 15, 16, 18-28, 30, 31 and 33-41 under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of U.S. Patent Publication No. US 2001/0037435 A1 (Van Doren). The Examiner also reiterated the rejection of claims 14, 17, 29 and 32 over AAPA and Van Doren and further in view of U.S. Patent No. 6,188,759 (Lorenzen). The rejections are respectfully traversed.

The Examiner indicated that the Applicants' arguments set forth in the previous response filed on March 25, 2005, "are not persuasive." By contrast, the Applicants believe the independent claims of the present application to be allowable in their original form over the art of record as set forth in those arguments which are maintained and incorporated herein by reference. Notwithstanding the foregoing, claims 1, 23, 36, and 39 have been amended to more clearly describe the invention. As these amendments introduce limitations which are believed to be inherent in the original claims, and are being proposed for clarification purposes, they are not being made for any reason related to patentability.

In addition to the arguments maintained from the previous response, the Applicants respond to the Examiner's traversal of the Applicants' arguments (beginning on page 8 of the Final Office Action) as follows.

The Examiner stated that the "greedy algorithm" described in the Background of the Invention could be characterized as a "previously specified partitioning schema." The Examiner also noted that the claims of the present application do not specifically recite that the "previously specified partitioning schema" operates "with a priori knowledge of the eventual system configuration."

The Applicants reiterate that the greedy algorithm should not be characterized as a

"previously specified partitioning schema" in that, as described in the Background of the Invention, the "schema" of the system that results from the operation of this algorithm is not determined until *after* all of the available resources have been identified and the routing tables generated. Despite that Examiner's assertion to the contrary, the Applicants believe that a priori knowledge of the eventual system configuration is inherent in the term "previously specified." Thus, the greedy algorithm cannot, by definition, be equated with the claimed partitioning schema.

However, to clarify the claims and to advance prosecution, the Applicants have proposed that each of the independent claims of the present application be amended to explicitly recite the previously implicit limitation that the claimed partitioning schema "corresponds to an a priori definition of the subsets of resources," i.e., the eventual system configuration. Because none of the cited references teaches such a partitioning schema, all of the claims of the present applications are believed to be allowable.

In addition, in response to the Examiner's use of Lorenzen, the Applicants would like to point out this reference is not relevant to the claimed invention. Lorenzen teaches techniques for routing calls in a telecommunications network in which a network processor dynamically alters routing recommendations stored in destination node tables in response to congestion reported by telecommunications switches in the network. These recommendations are used by telecommunications switches to route telecommunications signals with the network. See Abstract.

The teachings of Lorenzen are distinguishable from the claimed invention in a number of respects. Most notably, the described technique is for altering routing recommendations in a telecommunications network, not the partitioning of resources in a computer system. No actual partitioning of resources in Lorenzen's telecommunications network occurs. That is, the only things that change are the possible routing paths employed by the telecommunications switches.

The only reference to partitioning made by Lorenzen is to note that execution of the dynamically controlled routing technique may be distributed among several processors. See column 13, lines 24-35. The partitioning of resources in a computer system as claimed by the present invention is simply not described.

In view of the fact that none of the art of record teaches the partitioning techniques recited in the claims of the present application, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (510) 663-1100.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Joseph M. Villeneuve
Reg. No. 37,460

P.O. Box 70250
Oakland, California 94612-0250
(510) 663-1100